

### REMARKS

Claims 1-67 are pending and have been examined. Claims 16-23, 41-50, and 60-67 have been allowed. Claims 1-15, 24-40, and 51-59 stand rejected. Claims 24 and 25 have been objected to. The indication of allowance of Claims 16-23, 41-50, and 60-67 is noted with appreciation. Claims 11, 24, 25, 36, and 57 have been amended. Claims 1-10, 26-35, and 51-56 have been canceled without acquiescence to the Examiner's actions, without abandonment of the invention of the canceled claims, and without prejudice to applicants' rights to pursue the subject matter of the canceled claims in any application for patent that may be filed in the future. By this amendment, Claims 11-25, 36-50, and 57-67 remain pending. Reconsideration of Claims 11-15, 36-40, and 57-59 and allowance of Claims 11-25, 36-50, and 57-67 is respectfully requested.

#### The Rejection of Claims 24 and 25 Under 35 U.S.C. § 112, Second Paragraph

Claims 24 and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 24 and 25 have been amended. Withdrawal of these rejections is respectfully requested.

#### The Rejection of Claims 1, 2, 4-7, 9-12, 14, 15, 26, 27, 29-32, 34-37, 39, and 40

##### Under 35 U.S.C. § 102

Claims 1, 2, 4-7, 9-12, 14, 15, 26, 27, 29-32, 34-37, 39, and 40 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,188,624, issued to Young, Sr. et al. Claims 1, 2, 4-7, 9, 10, 26, 27, 29-32, 34, and 35 have been canceled. Claims 11 and 36 have been amended. Claims 12, 14, and 15 depend from Claim 11, and Claims 37, 39, and 40 depend from Claim 36. Applicants respectfully traverse the rejection of Claims 11, 12, 14, 15, 36, 37, 39, and 40 for the following reasons.

Independent Claims 11 and 36 relate to an absorbent article having four elements: (a) topsheet; (b) absorbent composite; (c) storage stratum; and (d) backsheet. The absorbent

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

composite component includes a first stratum, a second stratum, and a transition zone intermediate the first and second strata.

In contrast to the claimed invention, which includes a storage stratum in addition to the absorbent composite having a first stratum and a second stratum, the absorbent article of the cited reference includes a liquid dispersion pad 14, an insert pad 16, and does not include an additional storage layer. See FIGURES 1 and 2 of the reference. The Examiner has equated liquid dispersion pad 14 and insert pad 16 with the first and second strata of the absorbent composite component of the claimed invention. See Examiner's action at page 2, paragraph 4. In the action, the Examiner has characterized envelope tissue 20 of the cited reference as a storage layer. Applicants respectfully submit that envelope tissue 20 is simply a tissue that serves to envelope liquid dispersion pad 14 and insert pad 16, and that envelope tissue 20 is not a storage layer. Because the cited reference fails to exactly describe the claimed invention, the reference is not anticipatory and withdrawal of this grounds for rejection is respectfully requested.

Furthermore, because the reference teaches a useful absorbent article having a liquid dispersion pad and an insert layer and that does not further include a storage layer, the cited reference fails to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention.

The Rejection of Claims 3, 8, 13, 28, 33, 38, and 51-59 Under 35 U.S.C. § 103

Claims 3, 8, 13, 28, 33, 38, and 51-59 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,188,624, issued to Young, Sr. et al., in view of U.S. Patent No. 5,225,047, issued to Graef et al. Claims 3, 8, 28, 33, and 51-56 have been canceled. Claims 11, 36, and 57 have been amended. Claim 13 depends from Claim 11, Claim 38 depends

from Claim 36, and Claims 58 and 59 depend from Claim 57. Applicants respectfully traverse the rejection of Claims 13, 38, and 57-59 for the following reasons.

Regarding Claims 13 and 38, for the reasons noted above, the Young, Sr. et al. reference fails to teach or suggest the elements of Claims 11 and 36, from which depend Claims 13 and 38, respectively. The deficiencies of the Young reference are not cured by the teachings of the Graef reference. The teachings of the Young and Graef references, either alone or in combination, fail to teach, suggest, provide motivation to make, or otherwise render obvious the invention of Claims 13 or 38. Withdrawal of these grounds for rejection is respectfully requested.

Regarding Claims 57-59, like Claims 11 and 36, independent Claim 57 recites an article having four elements: (a) topsheet; (b) absorbent composite; (c) storage stratum; and (d) backsheet. As noted above, in contrast to the claimed invention, the absorbent article of the Young reference includes a liquid dispersion pad, an insert pad, and does not include an additional storage layer. The Young reference fails to teach or suggest the claimed invention. The teaching of the Graef reference fails to cure the deficiencies of the Young reference. Accordingly, because the cited references, either alone or in combination, fail to teach, suggest, provide motivation to make, or otherwise render obvious the invention of Claims 57-59, withdrawal of these grounds for rejection is respectfully requested.

#### The Double Patenting Rejections of Claims 1, 3, 26-29, 51, and 52

Claims 1, 3, 26-29, 51, and 52 stand provisionally rejected for double patenting. Claims 1, 3, 26-29, 51, and 52 have been canceled obviating this grounds for rejection.

#### Conclusion

In view of the above amendments and foregoing remarks, applicants believe that Claims 11-25, 36-50, and 57-67 are in condition for allowance. If any issues remain that may be

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

*George Renzoni*

George E. Renzoni, Ph.D.  
Registration No. 37,919  
Direct Dial No. 206.695.1755

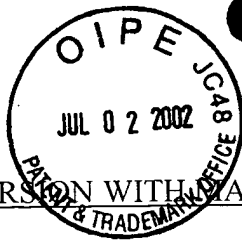
I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the below date.

Date:

*June 26, 2002*

GER:md

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100



VERSION WITH MARKINGS TO SHOW CHANGES MADE JUNE 26, 2002

In the Claims:

Claims 11, 24, 25, 36, and 57 have been amended as follows.

11. (Twice Amended) An absorbent article, comprising:

(a) a liquid pervious topsheet;

(b) an absorbent [unitary] composite, comprising a first stratum, a second stratum, and a transition zone intermediate and coextensive with the first stratum and the second stratum;

the first stratum comprising hydrophobic fibers and a binder;

the second stratum comprising a binder and fibers selected from the group consisting of hydrophilic fibers, hydrophobic fibers, and mixtures thereof; and

the transition zone comprising fibers from the first stratum and the second stratum commingled substantially uniformly across the composite's width and along the composite's length;

(c) a storage stratum comprising an absorbent fibrous material; and

(d) a liquid impervious backsheet.

24. (Twice Amended) The absorbent article of Claim 23, wherein at least one of the second stratum or the distribution stratum comprises crosslinked cellulosic fibers.

25. (Twice Amended) The absorbent article of Claim 23, wherein at least one of the second stratum or the distribution stratum comprises crosslinked eucalyptus fibers.

36. (Twice Amended) An absorbent article, comprising:

(a) a liquid pervious topsheet;

RECEIVED  
JUL -5 2002  
TC 3700 MAIL ROOM

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

(b) an absorbent [unitary] composite, comprising a first stratum, a second stratum, and a transition zone intermediate and coextensive with the first stratum and the second stratum;

the first stratum comprising first fibers and a binder;

the second stratum comprising second fibers and a binder; and

the transition zone comprising fibers from the first stratum and the second stratum commingled substantially uniformly across the composite's width and along the composite's length;

(c) a storage stratum comprising an absorbent fibrous material; and

(d) a liquid impervious backsheet.

57. (Twice Amended) An absorbent article, comprising:

(a) a liquid pervious topsheet;

(b) an absorbent [unitary] composite, comprising a first stratum, a second stratum, and a transition zone intermediate and coextensive with the first stratum and the second stratum;

the first stratum comprising synthetic fibers and a binder;

the second stratum comprising crosslinked cellulosic fibers and a binder; and

the transition zone comprising fibers from the first stratum and the second stratum commingled substantially uniformly across the composite's width and along the composite's length;

(c) a storage stratum comprising an absorbent fibrous material; and

(d) a liquid impervious backsheet.

Claims 1-10, 26-35, and 51-56 have been canceled.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100